

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA;
THE STATES OF CALIFORNIA, DELAWARE,
FLORIDA, ILLINOIS, INDIANA, LOUISIANA,
MASSACHUSETTS, MICHIGAN, MONTANA,
NEVADA, NEW HAMPSHIRE, NEW JERSEY,
NEW YORK, OKLAHOMA, RHODE ISLAND,
TEXAS, VIRGINIA, WISCONSIN, AND THE
DISTRICT OF COLUMBIA, EX REL.
HERBERT J. NEVYAS, M.D. AND ANITA
NEVYAS-WALLACE, M.D.,

Plaintiffs,

v.

ALLERGAN, INC.,

Defendant.

CIVIL ACTION NO. 09-432

HON. MARK A. KEARNEY

[PROPOSED] ORDER

This Court having been informed of a settlement entered into among the Relators, Allergan, the United States, and the Plaintiff States (as those terms are defined in the Request for Dismissal), and Relators having filed a Request for Dismissal with the consent of Allergan, the United States, and the Plaintiff States, it is hereby ORDERED, that this action is dismissed:

(a) with prejudice to the Relators for all claims;

(b) with prejudice to the United States and the Plaintiff States for the claims released by the United States and the Plaintiff States in the parties' Settlement Agreements; and

(c) without prejudice to the United States and the Plaintiff States for any claims in this action that are not specifically released by the United States and the Plaintiff States in the parties' Settlement Agreements.

IT IS SO ORDERED, this _____ day of _____, 2017.

JUDGE MARK A. KEARNEY
UNITED STATES DISTRICT COURT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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TEXAS, VIRGINIA, WISCONSIN, AND THE
DISTRICT OF COLUMBIA, EX REL.
HERBERT J. NEVYAS, M.D. AND ANITA
NEVYAS-WALLACE, M.D.,

Plaintiffs,

v.

ALLERGAN, INC.,

Defendant.

CIVIL ACTION NO. 09-432

HON. MARK A. KEARNEY

REQUEST FOR DISMISSAL

Relators Herbert J. Nevyas, M.D. and Anita Nevyas-Wallace, M.D. (collectively “Relators”), Defendant Allergan, Inc. (“Allergan”), the United States, and the States of California, Delaware, Florida, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Montana, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Rhode Island, Texas, Virginia, Wisconsin and the District of Columbia (collectively “the Plaintiff States”) have entered into Settlement Agreements.

Pursuant to those Settlement Agreements, and pursuant to Federal Rule of Civil Procedure 41(a)(2), Relators respectfully request that the Court enter an Order dismissing this action: (a) with prejudice to the Relators for all claims; (b) with prejudice to the United States and the Plaintiff States for the claims released by the United States and the Plaintiff States in the

parties' Settlement Agreements; and (c) without prejudice to the United States and the Plaintiff States for any claims in this action that are not specifically released by the United States and the Plaintiff States in the parties' Settlement Agreements.

Pursuant to 31 U.S.C. § 3730(b)(1) and analogous provisions of the applicable state false claims laws, Relators have obtained the consent of Allergan, the United States, and the Plaintiff States for a dismissal of the action pursuant to the terms set forth in this Request for Dismissal.

A proposed Order is submitted herewith.

Respectfully submitted this 27th day of June, 2017.

DATED: 6/27/2017

BY:



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CERTIFICATE OF SERVICE

This is to certify that on June 27, 2017, a true and correct copy of the foregoing Request for Dismissal has been served on the following in the manner listed below:

VIA ECF and ELECTRONIC MAIL

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